

19.01.2023

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rejected

C.R.M.(NDPS) No. 82 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 531 of 2019 dated 08.08.2019 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Asif Anowar petitioner

Mr. Soumyajit Das Mahapatra

Mr. Tapodip Gupta

... for the petitioner

Mr. Saryati Datta

... for the State

Learned Counsel for the petitioner submits he is in custody for three years and five months. It is also submitted that there is inordinate delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits delay was due to pandemic conditions and vacancy in the trial court.

We have considered the materials on record. There are materials involving the petitioner in the alleged possession of narcotic substance which is above commercial quantity. On merits, in view of the aforesaid materials and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

On the score of delay in trial, we note a substantial portion of delay was due to pandemic conditions and other systematic reasons i.e. vacancy in the trial court. In the

meantime one witness has already been examined. Hence, we are not inclined to grant bail to the petitioner on the ground of delay at this stage.

The application for bail is, thus, rejected.

Trial court is directed to expedite the trial and conclude the same as expeditiously as possible preferably within one year from the next date fixed for recording evidence without granting unnecessary adjournments to either of the parties.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)